

1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF TEXAS  
 3 HOUSTON DIVISION

4 GUADALUPE ARENAS VARGAS,) )  
 5 Individually and As )  
 6 Representative of the )  
 7 Estate of MARTIN )  
 8 ANASTACIO REYES OSUNA, )  
 9 Deceased, and As Next )  
 10 Friend of ZAID MARTIN )  
 11 REYES ARENAS; JUANA )  
 12 SYLVIA OZUNA GARCIA; and) C.A. NO.  
 13 MARTIN REYES ADAME ) 4:09-CV-02521  
 14 )  
 15 )

16 VERSUS )  
 17 )  
 18 )

19 KIEWIT LOUISIANA CO., )  
 20 MASSMAN CONSTRUCTION )  
 21 CO., and TRAYLOR BROS., )  
 22 INC., a Joint Venture )  
 23 d/b/a KIEWIT MASSMAN )  
 24 TRAYLOR CONSTRUCTORS; )  
 25 KIEWIT LOUISIANA CO.; )  
 MASSMAN CONSTRUCTION, )  
 CO.; TRAYLOR BROS., )  
 INC.; KIEWIT ENGINEERING )  
 CO., and MODJESKI AND )  
 MASTERS, INC. )

18 CIVIL DISTRICT COURT  
 19 FOR THE PARISH OF EAST BATON ROUGE  
 20 STATE OF LOUISIANA

21 NO. C582129 DIVISION "D"  
 22 MARIA CRUZ MALDONADO, Individually and as  
 23 representative of the ESTATE OF ULVALDO SOTO  
 24 MARTINEZ, DECEASED, and as Next Friend and  
 25 Natural Guardian of JUSTIN SOTO-MALDONADO AND  
 ULVADO JESUS SOTO-MALDONADO, MINORS, AND  
 GILBERTO SOTO MARTINEZ

VERSUS

1 CO., TRAYLOR BROS., INC., A JOINT VENTURE  
2 D/B/A KIEWIT MASSMAN TRAYLOR CONSTRUCTORS  
3 A/K/A KMTC JV, GEC LOUISIANA TIMED MANAGERS,  
4 A JOINT VENTURE PARTNERSHIP, PB AMERICAS,  
5 INC., F/K/A PARSONS, BRINCKERHOFF, QUADE &  
6 DOUGLAS, INC., AS PARTNER OF GEC LOUISIANA  
7 TIMED MANAGERS, A JOINT VENTURE PARTNERSHIP,  
8 LPA GROUP INCORPORATED AS PARTNER OF GEC  
9 LOUISIANA TIMED MANAGERS, A JOINT VENTURE  
10 PARTNERSHIP, G.E.C., INC., AS PARTNER OF GEC  
11 LOUISIANA TIMED MANAGERS A JOINT VENTURE  
12 PARTNERSHIP, ZURICH AMERICAN INSURANCE  
13 COMPANY, THE STATE OF LOUISIANA THROUGH THE  
14 DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
15 AND J.L. STEEL REINFORCING, L.L.C.  
16  
17  
18  
19  
20

21 Videotaped and oral deposition  
22 of DAVID SINSHEIMER, produced as a witness at  
23 the instance of the Plaintiffs and duly  
24 sworn, was taken in the above-styled and  
25 numbered cause on the 18th day of August,  
2011, before Tutti Bui, CSR in and for the  
State of Louisiana, by machine shorthand, at  
the Intercontinental Hotel, Cabildo Room, 444  
St. Charles Avenue, New Orleans, Louisiana,  
70131.

1 Q. Did all the professional  
2 engineers at KECO have access to the FEA  
3 program and know how to use it?

4 A. They should have.

5 Q. Assuming that the jury agrees  
6 with Mr. Shahawy's opinion that doing the FEA  
7 analysis resulted in the conclusion that this  
8 cage was doomed to collapse, can you explain  
9 to the jury why you made a decision not to do  
10 an -- an FEA simply because you said it was a  
11 complex computer model?

12 MR. CLAYTON:

13 Object to the form.

14 A. That -- that was not within our  
15 scope.

16 Q. Ah. Who defined the scope?

17 A. I was asked by the project  
18 personnel to come up with a guying plan. I  
19 interpreted that as a plan to resist wind  
20 forces.

21 Q. And who precisely was it that  
22 limited the scope of what you were required  
23 to do?

24 A. Mr. Michalowski asked me to  
25 prepare and deliver a guying plan.

## 1 REPORTER'S CERTIFICATE

2 I, THU BUI, CCR, RPR, Certified  
3 Court Reporter, State of Louisiana, State of  
4 Texas, do hereby certify that the  
5 above-mentioned witness, after having been  
6 first duly sworn by me to testify to the  
7 truth, did testify as hereinabove set forth;

8 That the testimony was reported  
9 by me in shorthand and transcribed under my  
10 personal direction and supervision, and is a  
11 true and correct transcript, to the best of  
12 my ability and understanding;

13 That I am not of counsel, not  
14 related to counsel or the parties hereto, and  
15 not in any way interested in the outcome of  
16 this matter.



A handwritten signature in black ink is positioned to the right of the NCRA seal. The signature is fluid and cursive, appearing to read "Thu Bui".

20 THU BUI, CCR, RPR  
21 Certified Court Reporter  
22 State of Louisiana  
23 State of Texas  
24  
25